

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

OCTOBER 27, 2015

PRESENT:

Marsha Berkbigler, Chair  
Kitty Jung, Vice Chair  
Vaughn Hartung, Commissioner  
Jeanne Herman, Commissioner  
Bob Lucey, Commissioner

Nancy Parent, County Clerk  
John Slaughter, County Manager  
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**15-0911      AGENDA ITEM 3 Public Comment.**

Larry Chesney spoke about concerns regarding Agenda Item 17, which pertained to cargo containers requiring a permit. His concerns about this item included the costs associated with the Ordinance and the amount of time it would take to get the permits. He wanted to know if staff could review the zoning status for the Palomino Valley area and possibly make that area exempt.

Ann-Marie Fehner asked for help from the Board. She and her family bought rural agricultural property in Palomino Valley because they had animals and wanted to build a home there. She stated she had been receiving letters regarding the violation of County Code 110.306.35B, which stated a trashcan could not be visible from a public street for commercial property. She said her property was not commercial and she was not located on a public street. She stated she had been cited and was told she must remove her animals and buildings from her 40-acre parcel.

Katherine Snedigar spoke regarding code enforcement. She stated she was told she needed to build a fence around her property and she did not believe there was an ordinance that stated it was required for her to block the view of any items stored on her property. She said agricultural property should not be subject to code enforcement.

Garth Elliott spoke regarding code enforcement and indigenous people.

Sam Dehne spoke regarding the media in Reno.

Carol Burns stated at the last meeting of the Sun Valley Citizen Advisory Board (CAB) there was a presentation from the Waste Management (WM) staff. She said the WM franchise agreement was going to be up for renewal on December 12, 2015 and a new contract was being proposed. She indicated the costs were increasing by \$6.84 for 3 months of service, and she did not understand why the prices were going up.

**15-0912      AGENDA ITEM 4 Announcements/Reports.**

Commissioner Herman stated she went to a volunteer fire meeting and it was very interesting. She said one of the things she got out of the meeting was the need to fix the dispatching process. She spoke about setting aside funds to aid people who suffered from acts of God that were not covered by insurance or federal assistance. She wanted staff to work on this. She noted she took an Angus steer to be butchered for the winner of the Nevada Association of Counties (NACO) contest and the winner was very happy. She asked the Board to consider allowing her to renew her commitment to the State Land Use Planning Advisory Council (SLUPAC). She stated at the NACO conference, Assemblywoman Sheila Leslie gave a presentation about a problem at the County jail. Assemblywoman Leslie said mentally ill people were staying in jail longer than was needed. She indicated the State mental facility needed at least 122 more beds to accommodate mentally ill inmates.

Commissioner Hartung stated he worked with Amber Howell, Social Services Director; Ken Retterath, Social Services Division Director; and Kevin Schiller, Assistant County Manager, to create additional space at the Northern Nevada Adult Mental Health Services (NNAMHS) because they had been aware of the lack of beds for a long time. He said the County jail continued to be the largest mental health facility in Northern Nevada. He wanted to review Agenda Item 17 and stated the intention of the cargo container Code was never to require fees and charges. It was meant to be a way for people to have a nice watertight storage container. He said he would like feedback from staff.

Commissioner Jung stated she would like to have a discussion with staff regarding the letters Palomino Valley residents received about code violations for commercial property. She requested some history and legal information regarding the matter. She also wanted to be involved with the Waste Management negotiations. She stated she heard some valid issues pertaining to fees for seniors on fixed incomes and she wanted to get more information. She also had concerns about people that could not get to the dump for the free dump days and wanted to explore additional options for large container placement in residential areas for the people who had no means to transport items for disposal.

Chair Berkbigler stated she had concerns about the Waste Management contract. She asked staff to review the agreement with the Board before the contract was signed. She stated seniors on fixed incomes were a big concern to her and she asked staff for a full report. She indicated she also had concerns that staff was prohibiting people

from building on their properties in Palomino Valley and in rural areas. She thought there should be a lengthy conversation about that and the fees associated with Agenda Item 17.

Commissioner Hartung spoke regarding his discussions with Greg Martinelli from Waste Management. He stated they discussed an option to allow rural customers to choose services that would suit their needs. He thought Waste Management would consider the special rates for seniors, veterans, and low-income individuals. He noted that he and Kevin Schiller would be traveling to Las Vegas to visit some Alzheimer's facilities. He indicated they were seeking best practices that could be incorporated into the countywide programs due to the growing number of Alzheimer's patients in the community.

Chair Berkbigler stated Alzheimer's was something that needed to be addressed in the community.

Commissioner Herman agreed that customers had a difficult time getting their unwanted large items to the dump. She suggested utilizing old trucks for monthly or bi-monthly pick up days instead of giving free dump days.

**CONSENT ITEMS** (5A through 5J6).

- 15-0913** 5A Approve minutes of the Washoe County Board of Commissioners regular meeting of September 22, 2015.
- 15-0914** 5B Authorize the tax collector to strike names and amounts identified on delinquency / uncollectible personal property tax list for fiscal years 2007-2015, [totaling \$89,753.78]. Comptroller. (All Commission Districts.)
- 15-0915** 5C Approve State Collection Development funds from the State of Nevada [\$8,027, no local match required], for a retroactive term from October 1, 2015 through June 30, 2016, for the augmentation of Library Collections; direct Comptroller's Office to make the necessary budget adjustments; and authorize the Director to sign the grant award document. Library. (All Commission Districts.)
- 15-0916** 5D Approve appointment of Washoe County District 5 Commissioner Jeanne Herman, to the vacant seat on the Vya Conservation District Board of Supervisors for a two year term. Manager. (All Commission Districts.)
- 15-0917** 5E Acknowledge the creation of a third judicial seat in the Sparks Township Justice Court and placement of said seat on the 2016 election ballot pursuant to NRS 4.020; and direct Budget, Comptroller's Office and Human Resources to make the necessary adjustments. Sparks Justice Court. (Commission Districts 3, 4 & 5.)

- 15-0918** **5F1** Approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered for the 2012/2013, 2013/2014, 2014/2015 and 2015/2016 secured tax roll and authorize Chairman to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s). [Cumulative amount of decrease \$12,025.90]. (Parcels are in various Commission Districts.)
- 15-0919** **5F2** Acknowledge receipt of Change Log for the 2015/2016 Assessment Roll that results in a net increase of \$264,776,677 in assessed values. [Copy of log on file in County Manager's Office.] (All Commission Districts.)
- 15-0920** **5G1** Approve an Interlocal Traffic Signal Maintenance Agreement retroactive to July 1, 2015, between the City of Reno and Washoe County for maintenance of the County's traffic signals for FY 2015-2016 with automatic renewal options through end of FY 2019-2020 for a time and material agreement in the amount [not to exceed \$50,000 annually]. (All Commission Districts.)
- 15-0921** **5G2** Authorize disbursement of funds [\$55,783.08] to Nevada Tahoe Conservation District to be used as match for 319(h) funds for catchment registration in accordance with obligations and commitments contained in an Interlocal Agreement with the Nevada Division of Environmental Protection, utilizing Washoe County's Tahoe Regional Planning Agency Water Quality Mitigation funds in support of the work. These funds will be used to implement the Lake Clarity Crediting Program and the pollutant load reduction milestones necessary to meet the Lake Tahoe Total Maximum Daily Load approved by the United States Environmental Protection Agency. (Commission District 1.)
- 15-0922** **5H1** Approve payments [totaling \$7,375.89] to vendors for assistance of 43 victims of sexual assault and authorize Comptroller to process same. NRS 217.310 requires payment by the County of total initial medical care of victims, regardless of cost, and of follow-up treatment costs of up to \$1,000 for victims, victim's spouses and other eligible persons. (All Commission Districts.)
- 15-0923** **5H2** Accept a Violence Against Women Act (VAWA) grant to the District Attorney's Office [\$67,600; \$22,536 required match], from the Nevada Office of the Attorney General to provide counselling services at the Washoe County Child Advocacy Center; retroactive from July 1, 2015 through June 30, 2016, and direct Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)
- 15-0924** **5I1** Approve a five-year Administrative Services Agreement with MassMutual to continue to provide Washoe County's Defined

Contribution Plans through December 31, 2020; and authorize the Director of Human Resources/Labor Relations to execute same. (All Commission Districts.)

**15-0925** 5I2 Approve requests for reclassification of a vacant Personal Property Field Representative, pay grade I, to Collections Analyst, pay grade I (Treasurer); an Administrative Secretary, pay grade J, to Legal Secretary, pay grade I (Juvenile Services); a Hydrogeologist II, pay grade N, to a Hydrogeologist, pay grade N (Community Services); a vacant Office Assistant II, pay grade E, to a Department Systems Technician, pay grade J (Social Services); a vacant Administrative Assistant II, pay grade L, to Administrative Assistant I, pay grade K, and a Human Resource Analyst II, pay grade N, to a Senior Human Resource Analyst, pay grade P, as evaluated by the Job Evaluation Committee; reclassification of a Human Resources Specialist II, pay grade J, to a new classification of Training and Development Specialist, pay grade K, and a Senior Human Resource Analyst, pay grade P, to an Employee and Labor Relations Manager, pay grade U (Human Resources) as evaluated by the HAY Group; and elimination of unused or obsolete job classifications as listed in Exhibit 1. [Net Annual cost is estimated at \$72,888]. (All Commission Districts.)

**15-0926** 5J1 Approve the creation of one Sheriff Support Specialist - Field position and reclassification requests of a vacant Administrative Secretary to Office Support Specialist, an Office Assistant III to Office Support Specialist, an Office Support Specialist to Investigative Assistant, and an Administrative Assistant II to a Media Programs Coordinator as evaluated by the JEC; and the reclassification of a vacant Sergeant position to a Lieutenant position and the elimination of a vacant Management Analyst position [total estimated savings of \$3,843]; and authorize Human Resources to make the appropriate adjustments. (All Commission Districts.)

**15-0927** 5J2 Approve the direct grant award from the State of Nevada, Office of Criminal Justice Assistance FFY 2015/2016 Justice Assistance Grant (JAG), Project No. 15-JAG-31 [\$20,000; no County match required] to purchase a fingerprint machine for the Incline Substation for the retroactive grant period of October 1, 2015 through September 30, 2016 and if approved, direct Comptroller's Office to make necessary budget adjustments. (All Commission Districts.)

**15-0928** 5J3 Approve the direct grant award from the State of Nevada, Office of Criminal Justice Assistance FFY 2015/2016 Justice Assistance Grant (JAG), Project No. 15-JAG-30 [\$30,000; no County match required] to support the All Threats All Crimes (ATAC) task force for the retroactive grant period of 10/1/15 through 9/30/16 and if approved, direct

Comptroller's Office to make necessary budget adjustments. (All Commission Districts.)

**15-0929**      **5J4** Approve acceptance of [up to \$17,548, no County match required] in overtime reimbursement for deputies assigned full time to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF). Washoe County will be reimbursed for overtime and benefit costs directly related to activities in conjunction with the FBI JTTF. Funds are available retroactively from Federal Fiscal Year October 1, 2015-September 30, 2016 and if approved, direct Comptroller's Office to make necessary budget adjustments. (All Commission Districts.)

**15-0930**      **5J5** Approve acceptance of [up to \$35,096; no County match required] in overtime reimbursement for deputies assigned full time to the Federal Bureau of Investigation (FBI) Northern Nevada Child Exploitation Task Force (NNCETF). Washoe County will be reimbursed for overtime and benefit costs directly related to activities in conjunction with the FBI NNCETF. Funds are available retroactively from Federal Fiscal Year October 1, 2015-September 30, 2016, and if approved, direct Comptroller's Office to make necessary budget adjustments. (All Commission Districts.)

**15-0931**      **5J6** Acknowledge Receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Advisory Committee for First Quarter for Fiscal Year 15/16. (All Commission Districts.)

Sam Dehne spoke about Agenda Item 5F2 and congratulated the Assessor's Office for increasing the assessment roll value for the County.

Commissioner Jung commented on Agenda Item 5H2 regarding the acceptance of the grant from the Violence Against Women Act (VAWA) for \$67,600 to the District Attorney's office. She stated this was very important because the children were victims in violent situations and needed to get the proper help.

**10:32 a.m.** Commissioner Lucey left the meeting.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Consent Agenda Items 5A through 5J6 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5J6 are attached hereto and made a part of the minutes thereof. **Note: Commissioner Lucey made the motion to approve the Consent Agenda, but left the meeting and was absent for the vote.**

**10:37 a.m.** Commissioner Lucey returned

**BLOCK VOTE** (7, 8, 9 and 10)

**15-0932** **AGENDA ITEM 7** Recommendation to Award of Bid No. 2944-16 for Suppliers of Bulk Gasoline and Diesel Fuels for Washoe County and participating joinder agencies for the period of thirty six (36) months from the date of Board approval. The responding bidders shall be polled on a weekly basis for price quotes on gasoline and diesel fuels. Prices quoted shall be firm for a seven (7) day period. Estimated annual expenditures by Washoe County for bulk fuel may exceed \$100,000 subject to market fluctuations. It is further recommended that the board accept the freight tariffs as stated and submitted by the qualified suppliers in their bid response. Freight tariffs shall be added to the base fuel cost to arrive at a delivered cost throughout the Northern Nevada and Northern California area. Tariffs may be revised every twenty six (26) weeks on mutual agreement of Washoe County and the qualified suppliers. Comptroller. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 7 be awarded and accepted.

**15-0933** **AGENDA ITEM 8** Recommendation to accept grant awards from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Congregate Meals [\$283,360; match of \$50,011 from ad valorem tax] and Home Delivered Meals [\$487,347; match of \$86,013 from ad valorem tax] retroactive from September 30, 2015 through September 29, 2016; and direct the Comptroller's Office to make the appropriate budget adjustments. Senior Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 8 be accepted and directed.

**15-0934** **AGENDA ITEM 9** Recommendation to accept a Continuum of Care Grant Agreement Renewal from the United States Department of Housing and Urban Development (HUD) for the Shelter Plus Care Program in the amount of [\$113,171; maximum of \$52,896 County match required] retroactive to August 1, 2015 through July 31, 2016; once the Grant Agreement is fully executed, authorize a Subgrant agreement for Continuum of Care services between Washoe County and Volunteers of America-Greater Sacramento and Northern Nevada, Inc., in an amount [not to exceed \$166,067], approve resolution necessary for same; and direct the Comptroller's Office to make the appropriate budget adjustments. Social Services. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 9 be accepted, authorized, approved and directed.

**15-0935**      **AGENDA ITEM 10** Recommendation to approve a one-time payment and authorize the Purchasing and Contracts Manager to generate a Purchase Order in the amount of [\$214,409] to Access to Healthcare Network (AHN) to provide cash support which will be used by AHN as the matching portion of a grant which has been awarded to AHN from the Regional Transportation Commission (RTC) for a transportation services program and a transportation “help line” targeting low income senior citizens and persons with disabilities, to be funded 100% by indigent funds. Social Services. (All Commission Districts.)

John Slaughter stated Agenda Items 8, 9 and 10 supported the Board’s priorities and prepared for the impact of the growing senior population and homelessness.

Commissioner Jung stated this agenda item was an idea from former Commissioner Bonnie Weber and she wanted staff to write Ms. Weber a letter to inform her the program had come to fruition.

Chair Berkbigler said this was a wonderful program, which would provide services to citizens across the entire County.

Commissioner Hartung stated this program was one they had worked on for a long time at the Regional Transportation Commission (RTC). He said an issue with the Access to Healthcare Network (AHN) because they were not able to serve as many people as was necessary, which could be an issue with the Americans with Disability Act (ADA). He noted the AHN would provide great assistance to many senior citizens and disabled citizens in outlying areas.

Commissioner Lucey mentioned that Commissioner Hartung had been championing this program at the RTC for years and commended him for his hard work.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 10 be approved and authorized.

**15-0936**      **AGENDA ITEM 6** Appearance: Alicia Reban, Executive Director, Nevada Land Trust (NLT) Christi Cakiroglu, Executive Director, Keep Truckee Meadows Beautiful (KTMB). Presentation on Washoe County partnership with Nevada Land Trust and Keep Truckee Meadows Beautiful and introduction of the One Truckee River Initiative.

Alicia Reban reviewed the Nevada Land Trust (NLT) and the Keep Truckee Meadows Beautiful (KTMB) organizations, and the long-standing relationships they had with the County. She spoke about the history of the NLT and introduced the One Truckee River Initiative. She indicated One Truckee River was a collaboration of public and private partners working together to realize a Truckee River that flowed clean and clear to quench the thirst, where natural ecology, cultural resources and wildlife were sustained and where residents and visitors were connected to unparalleled opportunities for recreation and regeneration. She said the core group of stakeholders included 120 community members who met regularly to discuss the focus, planning and implementation of the initiative. She explained the emerging issues that the stakeholders were focused on were social, education, water quality, sustainable funding, stewardship, ecosystem, public safety, recreation and quality of life. She stated the initiative was divided into three phases and they were currently working on phase one which was the most heavily used section of the river from West McCarran Boulevard to the Truckee Meadows Water Reclamation Facility (TMWRF). The second phase would extend from the TMWRF to Pyramid Lake and the third phase would extend from Stateline to West McCarran Boulevard in Reno. She commented that the KTMB, the NLT and all of the partners involved in the One Truckee River Initiative agreed that the only way to create a beautiful, healthy river was by working together. Although the One Truckee River Initiative was at the beginning stages, they looked forward to including the community in the conversation going forward.

Christi Cakiroglu conducted a PowerPoint presentation regarding KTMB. She stated that the NLT helped acquire a 3-acre parcel between Bartley Ranch and Anderson Regional Parks, which contained a house that served as the headquarters for the NLT, KTMB and the Truckee Meadows Trails Association. She stated that since the inception, KTMB had always had a close working relationship with the County and Regional Parks and Open Space. She noted KTMB was approached by the County to develop a clean-up effort and that was the start of the Great Community Cleanup. Her presentation depicted before and after photos of the improvements made by the clean-up efforts. She indicated some of the annual successes of KMTB included the recycling of over 10,000 Christmas trees, removing 210 tons of waste from parks and open spaces, and the participation of almost 4,000 volunteers in clean-up efforts over the past year. She commented that over 1,000 volunteers attended the latest Truckee River Cleanup, which was the most that had ever participated. She said there had been a decrease in waste dumped in the open areas and she thought it was due to the Illegal Dumping Task Force and the hotline at 775-329-DUMP. She noted that citizens could report illegal dumping through the hotline and violators, if identified, would be fined. She said it would take a collaborative effort to keep the programs successful.

Commissioner Jung asked Ms. Reban whether the area from Fanny Bridge to Stateline would be incorporated into the plans for the One Truckee River Initiative.

Ms. Reban replied that was being considered. She stated they were communicating with the Truckee River Watershed Group (TRWG) that was active in

Truckee. She thought the One Truckee River Initiative needed to develop their process before they incorporated with TRWG, since they were more advanced in their efforts.

Commissioner Jung expressed gratitude for the project. She noted that most of the Truckee River was in her district and said she would do whatever she could to help. She informed the Board that the Reno Works project hired 10 residents of the Community Assistance Center to clean up homeless camps, debris around the river and the downtown area. She said the workers were paid and they could also list the work experience on their resumes. She said a man from the Community Assistance Center told her he was starting a new job on Monday because of the Reno Works project.

There was no public comment or action taken on this item.

**15-0937** **AGENDA ITEM 11** Update, discussion and possible deflection to staff on Constituent Services programs including Citizen Advisory Board and District Forums for fiscal year 2016 between June and October [Net Zero Impact]. Manager. (All Commission Districts.)

Nancy Parent, County Clerk, stated she was provided with some additional documentation that would be placed on file.

Al Rogers, Management Services Director, conducted a PowerPoint presentation regarding Citizen Advisory Boards (CABs) and community forums. He reviewed the presentation, provided an update for the first quarter of fiscal year 2016, and noted that training for the CABs and community feedback from the community forums was the focus. He highlighted the number of meetings that were held annually, the meeting process and the training sessions that took place.

Commissioner Herman questioned whether an extra CAB meeting could be held in the community. Mr. Rogers stated the CABs were not as flexible as the community forums were, but if there was an emerging issue they could convene a CAB to accommodate the request. He noted they were allowed one special meeting per year based on requests that were considered on a case-by-case basis. Commissioner Herman stated Gerlach and Rancho Haven had requested a CAB to be established in their areas and she would like it to be considered.

Commissioner Hartung recommended Mr. Rogers conduct a more formal training meeting for the members that would include how to make a motion, how to second a motion, and how to have a discussion that went through the Chair. He stated a simplified version of *Roberts Rules of Order* would be the perfect training material for the CAB members. He said in Spanish Springs they scheduled six meetings per year and he noted at least two different projects had been missed because of the time between the meetings. He indicated the CABs used to be the first step in the development process and when a developer could get the blessing of the CAB, it was easier for them to receive approval for their projects. He wanted Spanish Springs to have a greater frequency of

meetings, and suggested a meeting could be canceled if there were no pressing issues. He thought once a month was a more appropriate schedule than every other month.

Commissioner Jung wanted to correct the record that her area only had four forums, not eight, because she did not have all the CABs established. She stated they only needed four meetings because of the lack of participation and content. She noted when there was no development happening, there was no reason for a meeting. She indicated she supported staff's recommendations. She asked for the General Improvement Districts (GIDs) to place information on their agendas or to make announcements to share with the community if there was an emergent issue, which would allow the Board to be a step ahead and solve issues.

Commissioner Lucey commended Mr. Rogers and the staff for their work over the past six months. He said District 2 was scheduling their meeting to start at 6:00 p.m. but they were not getting to the all of the issues on their agendas. He stated they had seen improvement from the increased attendance and participation. He said they had completed two formal district forums and one that was informal. People were more interested in attending because the structure was good, which made the meetings effective. He wanted to see a topic sheet to provide the community with the key issues that would be discussed. He thought the CAB meetings had been functionally more effective in the South Meadows area.

Chair Berkbigler stated she received many compliments about the last District Forum in Incline Village and she thought it was a successful meeting. She noted residents were pleased that the County was taking an interest in community forums.

On the call for public comment, Vice Chair North Valleys CAB, Ray Lake, spoke regarding CAB meeting changes. He said of the three meetings that were held earlier in the year, there were presentations from the Nevada Division of Forestry, NV Energy, the Nevada Department of Transportation (NDOT), the Regional Transportation Commission (RTC); the Stead Airport Authority, Waste Management and from some people who had problems with flooding in Lemmon Valley. He thought there needed to be some consistency so the residents who came to the CAB meetings would know when there was a meeting and knew when they could speak.

Garth Elliott said although Sun Valley CAB meetings were not well attended, he thought the meetings should occur more often than quarterly. He spoke regarding his concern about the County's hesitation to reestablish the CABs.

Tina Walters stated she was the past Chair of the Gerlach/Empire CAB and she requested the CAB be reestablished.

Francine Donshick stated she was the Chair of the North Valley CAB and she spoke about her concerns with the direction the CABs had taken. She said the Board's goal was to increase communication with residents by improved efficiencies and adding additional opportunities for involvement through the community forums. She said

they had not had a forum in the North Valley's yet; they only had a joint forum with Sun Valley. She indicated communication between the County and the CABs was lacking.

Carol Burns spoke regarding the lack of communication between the CABs and the community. She felt there would be more participation at meetings if there were more announcements made about when they would be held. She thought that many years ago the CAB was the first place people went to get approvals before an item went to the Board. She thought that must have changed.

Sarah Chvilicek stated she was the past Chair of the North Valley CAB and she noted the importance of the program. She thought the CAB meetings were a safe place for citizens to feel like a part of the community. She felt that communication was a concern and there was not a consistent process for feedback to and from staff as well as to the communities. She mentioned the Chairs of the CABs did not receive the Board of County Commission agendas automatically, which she thought was troubling.

Commissioner Hartung stated that in the past a developer would have to go to a CAB twice to get a project approved and it could take up to 18 months. He explained there were many complaints about the process, so CAB approval had been eliminated to decrease the amount of time it took; however, the intent was not to leave CABs out of the process altogether. He noted CAB attendance varied depending on the issues.

Commissioner Herman stated that District 5 comprised a large area. She reiterated that Gerlach needed a CAB to be reestablished.

Commissioner Lucey stated the CABs were extremely important and an essential part of the County. He said CAB input was very important for the Board as it gave the community another outlet to voice their concerns and seek answers. He thought the forums provided a more candid place for residents to speak about issues in the community.

Commissioner Jung thought all of the CAB Chairs should receive a copy of the Board of County Commissioners agenda in the mail. She also stated items that affected either a district or a region should be vetted at the CAB level first, then brought to the Board. Regarding the new layout of the County website, she said she did not like it because it was hard to find what she was looking for. She noted the search engine did not work well and she wanted to know who the contractor was and how much the County paid for the new website.

Chair Berkbigler wondered if there was a way to structure the CAB agendas so that they were area specific. She thought that flexibility was needed because each area had their own concerns and issues. She thought residents liked the forums better than the CABs because they had a more captive audience with County staff present.

Commissioner Hartung said the CAB meetings used to have a representative from the School District in attendance who would give updates on the area schools. He said this update helped members of the community understand some of the needs the School District had. He would like to see someone from the School District attend the meetings to give an update and answer questions.

There was no public comment or action taken on this item.

**15-0938**      **AGENDA ITEM 13** Policy overview and discussion on Washoe County's response to flash flood events in the unincorporated portions of Washoe County. Community Services. (All Commission Districts.)

Director of Public Works, Dave Solaro, conducted a PowerPoint presentation regarding the flash floods that took place in the unincorporated areas of the County in 2015. He stated there had been a considerable amount of talk about the flooding in Lemmon Valley, although flash flood events also occurred in Gerlach and all the way down through Pleasant Valley. He indicated a section of County Route 34 in Gerlach was closed due to the amount of water and damage associated with flash floods. He said the County had established standards for storm water within the Development Code. He explained when a storm was referred to as a 100-year storm; it meant there was a 1-in-100, or a one percent chance, that any storm that produced water could create serious damage. The County requested that major street crossings be designed to withstand "one percent chance" storms and roadside ditches and gutters be designed to withstand "20 percent chance" storms, which had much lower water volumes. He said the summer storm that occurred in Lemmon Valley was a 1-in-500, or a 0.2 percent chance, storm but the conveyance system was not designed to accommodate that volume of water. He stated if Lemmon Valley was established today, instead of in the late 1950's, there would be more historical data to evaluate and the design would be much different. The County currently required final subdivision maps to be recorded with statements about who was responsible for the roads and the storm drainage systems. He indicated the Lemmon Valley flood clean-up took almost two months, which meant two months of asphalt and ditch maintenance was not occurring somewhere else. He said he took Commissioners Herman and Hartung to Lemmon Valley to observe the soils and natural drainage in the area and he noticed there were still tumbleweeds, garbage cans, toys, and plastic bags in the ditches. He attended Commissioner Lucey's forum in the South Valley and mentioned it would be nice if homeowners could pull the tumbleweeds out of the ditches, because it did not take much to back up the drainage system. He depicted photos of some of the devastation in Lemmon Valley and said if the culverts were bigger, there would not have been so much damage. The water did not stop flowing when the culverts were full; it continued across Lemmon Valley Drive, across Oregon Boulevard and across resident's driveways. He stated they could make any changes the Board wanted them to, but it would cost money and require changes to the Code.

Mr. Solaro indicated staff was creating a layer in the Geographical Information System (GIS) maps to eliminate any question about who was responsible in the future. He said currently, a storm drainage system had to be at least 20 feet in width

with an access road before the County would accept the plans. He explained that the County had highly erosive soils consisting of decomposed granite, sand and silt which were easily moved by water. He talked about alluvial fans that were created as a result of the movement of water and sediment. He said unfortunately many of the subdivisions in the unincorporated County were built upon alluvial deposits. He stated he spent some time in Gerlach recently and the amount of water that came off the granite mountain range, along with the amount of sediment that was deposited in the flats, was impressive. He said statistics from the year ending June 2015 indicated the County spent twice as much money in the North Valley area then they did in the rest of the County to clean ditches, fix pipes and control weeds. He explained that the County had approximately 1,100 centerline miles of roadway, which equated to about 2,200 miles of roadside ditches and culverts that had to be maintained. The roadways were maintained by the general fund and by the fuel tax that was collected. He said in addition to the roadside ditches and culverts, funding had to include an allocation for asphalt infrastructure, which amounted to nearly a billion dollars. Mr. Solaro's presentation was placed on file with the Clerk.

On the call for public comment, Lisa Nash from Gerlach expressed her appreciation to the County and the Road Department for the fabulous job they had done. She stated there was not enough staff or resources to deal with road and flood issues when they happened. She stated she happened to be at the Emergency Operations Center (EOC) when the floods came through and there was a lack of communication during the event. She said it was difficult for the EOC to obtain any information about what was happening and where. She wanted more communication to occur when there were emergency events. She asked staff to consider supporting the road services in the outlying areas when they reviewed the budgets.

Chair Berkbigler asked that the flood issues be addressed at the next concurrent meeting.

Commissioner Hartung thought communication problems were not only happening in the County, but statewide. He suggested staff reach out to Nevada Department of Transportation (NDOT) to explore changes that could be made to communication system in an emergency event. He noted there was only a certain amount of staff and equipment available through NDOT and he did not know if there was a solution to the communication issue. He spoke of an event on Interstate 5, known as the Grapevine in California, where cars were buried in mud. He thought microbursts could happen anytime or anywhere and the events could be difficult to manage.

Commissioner Jung wanted staff to report the outcome of the meeting they had with the Truckee Meadows Flood Project Board. She thought it should be recognized that the weather patterns were changing and she wanted to know what was being done to prepare for the changes. She understood more microburst events were expected. In response to the comment from Lisa Nash, she stated during any emergency event, no one knew the entire situation and a communications team worked specifically to gather data. She noted that data was difficult to interpret and hard to communicate to citizens. She

also wanted Ms. Nash to know that they were working to enhance and improve the eight mile stretch of road from Gerlach to the Burning Man entrance.

Commissioner Lucey stated that Mr. Solaro and his department did a great job during the flood event. He mentioned there was a tremendous amount of destruction, not only in the North Valleys and surrounding areas, but in the South Valleys as well. He said when events such as flash flooding happened, they were catastrophic and unannounced. He indicated that during Hurricane Patricia, there was very little warning and trying to prepare for an event of that magnitude was very difficult. He thought they needed to continue to have conversations with members from all of the rural areas and noted any recommendations staff could bring back regarding culvert sizes and future plans would be welcome.

Commissioner Hartung asked Paul Lipparelli, Legal Counsel, to review the process for the sales taxes that the flood project received. Mr. Lipparelli stated the revenues that were used to fund the local share of the Truckee River Flood Project (TRFP), came from a sales tax that was authorized by the legislature, which had historically been devoted strictly to the TRFP. He said to change the use of the funds would involve discussions with the regional partners who were counting on the revenue for the unique Truckee River problem. He noted it was not that the funds could not be used in another way, but to change the use would require extensive regional cooperation.

Chair Berkgigler found it interesting that the TRFP Board voted down a tax that would have been paid by the citizens of Lemmon Valley.

Commissioner Jung understood that the TRFP had quite a large surplus each year and she wondered if there was a way for the Board to get involved. She wondered about the possibility of either eliminating the \$0.08 sales tax that was dedicated to the flood project or transforming the fund into something that could be used for schools or natural disasters. She asked staff to bring back a recommendation and the legal authority that would allow a change to be made.

There was no public comment or action taken on this item.

**15-0939** **AGENDA ITEM 14** Request by the County Manager's Office through the Washoe County Clerk pursuant to WCC 2.030 for possible action by the Board of County Commissioners to initiate proceedings to amend Washoe County Code Chapter 25 (Business License Ordinance) concerning Medical Marijuana Establishments as follows: To establish a process for a medical marijuana establishment to request a public hearing before the Board to move to a new location from their State approved location and for the Board to act upon such a request; to provide for cost recovery by County agencies for inspections and other related tasks for medical marijuana establishments; to amend the Medical Marijuana Establishment section into multiple sections related to specific regulations and topics; to modify the distance measurements from a medical

marijuana establishment to schools and/or community facilities to match State Law distance measurements; to clarify application requirements for medical marijuana establishment business licenses; to establish the content of the required disposal plan for medical marijuana establishments; to establish a process for the renewal, denial, revocation or suspension of medical marijuana establishment registration cards; to provide for other matters properly related thereto; and, to direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Sections 2.030 and 2.040. (All Commission Districts.)

Assistant County Manager Kevin Schiller stated this item was for the Clerk to initiate proceedings to amend the Code related to the legislative and regulatory changes that were presented in the last Legislative session. In addition, there were matters related to medical marijuana establishment (MME) business license applications and the Code. He stated there had been considerable discussions in various areas that could be explored as the Code was drafted.

Commissioner Lucey asked if it had been identified how much sales tax the State was going to collect from the sale of the product. He wanted to know where the money was going, if it was going to a specified fund or the general fund for the State, if it was going to be distributed to the specific counties that were participating in the medical marijuana process or if it would be distributed to all 17 counties. He wanted to have a better understanding of the process and the collection of fees.

Mr. Schiller replied that the revenue would go into the State General Fund. He thought there was nothing specific that would tie the collected fees back to the participating counties. He mentioned they were tracking information about pre-implementation and post-implementation costs in order to advocate for the funds to be directed back to the County. He was uncertain whether the process would prove to be equitable from a revenue and expense perspective and stated they were still reviewing the fees.

Commissioner Hartung agreed that it was imperative for the County to recover the costs. He mentioned the havoc that had been created from the Mount Rose Highway issue.

Chair Berkgigler stated her concerns regarding safety issues with the MMEs. She asked Mr. Schiller to consider safety requirements while he was drafting the regulations. She mentioned it was brought to her attention that one of the proposed MME locations in Incline Village was in a two-story strip mall. She indicated the proposed MME would be on the lower level with a facility for student training on the second level. She did not know if there was an odor factor in an MME, but she was concerned that the odor could seep up to the upper story and affect the children. She said the same strip mall included an Ice cream store and a toy store. She did not want MMEs located near where children would be frequenting. She asked staff to research what could be done regarding

additional safety and the proximity to children. She also wanted staff to investigate the legal aspect of prohibiting an existing MME from automatically being included in the sale of recreational marijuana, if it passed legislation.

Mr. Schiller clarified that 75 percent of the sales tax collected would go to the General Fund, and 25 percent would go to the State Health District.

Chair Berkbigler thought splitting the collected taxes with the 13 counties that were not participating in medical marijuana and MMEs was not right. She stated staff should consider the issue for the next legislative session. She noted the other counties would reap the benefit of the County's hard work related to the MMEs.

Commissioner Lucey agreed with Chair Berkbigler and stated that the tax plan that was initiated in the last legislative session would not benefit any construction or new schools; it would only go to programs within the current education program. He stated if 75 percent of the tax collected was going to schools, it would benefit the County tremendously considering the impact of new economic development within the area. He said he knew the State would maintain the records for the sale, transfer and production of edible medical marijuana, but wanted to ensure the County would receive copies of them or could inspect them.

Mr. Schiller stated it was his understanding that the County would receive a copy of the records, but it had not happened yet. He said the Nevada State Division of Health was dedicated to running the medical marijuana program through the regulatory process. He thought if there were complaints it would be obvious that staff would need to reach out to the State for resolution. He noted they had regular meetings with the State to discuss local issues. He stated he would bring up the issues the Board discussed during the next meeting.

Commissioner Lucey thought the funds should be automatically distributed to not only the State but to the County as well. He stated instead of being retroactive on the issue, they were trying to be proactive.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered to initiate proceedings to amend Washoe County Code Chapter 25 (Business License Ordinance) and to include the suggestions made by the Board.

**15-0940**      **AGENDA ITEM 12** Update and acknowledgement of the Washoe County FY16-18 Strategic Plan, including status of first quarter Fiscal Year 2015-16 goals and initiatives [No fiscal impact]. (All Commission Districts.)

Al Rogers, Management Services Director, conducted a PowerPoint presentation regarding the first quarter of fiscal year 2016 update to the Strategic Plan, which was placed on file with the Clerk. Mr. Rogers reviewed each of the goals and priorities, which consisted of economic impacts, a rising senior population, community safety, medical marijuana impacts, working as a team, and simplifying workflows. He said the Board would be updated on the goals and priorities regularly and he indicated that the next update would be on January 26, 2016. He highlighted that none of the priorities were critical at this time and he welcomed any feedback and comments from the Board. A handout was provided which was also placed on file with the Clerk.

John Slaughter recognized this was the first time a strategic plan had achieved 100 percent participation by the departments and the Board since he had been in his role.

There was no public comment or action taken on this item.

**1:04 p.m.** The Board recessed.

**3:00 p.m.** The Board reconvened with all members present.

**15-0941** **AGENDA ITEM 15** Hearing, discussion, and possible action on Case No. AX15-003 (Barry and Lori Nudelman), an appeal of the Board of Adjustment's decision to deny Variance Case No. VA15-004, which requested a reduction of the required front yard setback from 20 feet to 3 feet (inclusive of the roof overhang if approved) to allow for the construction of a covered entry way on the existing house at 557 Dale Drive in the Incline Village/Crystal Bay area. The Board of County Commissioners may take action to confirm the Board of Adjustment's denial; reverse the Board of Adjustment's denial and issue the Variance; or modify the Variance's Conditions and issue the Variance. Community Services. (Commission District 1.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against Case No. AX15-003.

Eva Krause, Planning and Development, conducted a PowerPoint presentation regarding the Board of Adjustment's Variance Case No. VA15-004. She reviewed the presentation, which included maps and photos that depicted the location of the house on the property. She explained that the decision to deny the variance was due to the small amount of distance the structure would be from the road, creating a possible danger to the home during the winter snow removal months.

Commissioner Hartung asked Dave Solaro whether the building was too close to the road since it was located 12-feet from the street. Mr. Solaro stated the changes to the entry would bring the roofline overhang to within three feet of the road, which could result in damage to the building during snow removal efforts. He indicated

there was a waiver that the homeowners could sign that would eliminate the County's responsibility for any damages.

Commissioner Herman asked if there were there other homes in the area that were in the same predicament. Chair Berkbigler replied there were a number of variances in the area.

Mr. Lipparelli stated if the Board decided to overturn the Board of Adjustment's decision, they would need to make a finding of a special circumstance. He suggested the motion should reflect the different findings and include the evidence that those findings were based on. He asked for confirmation that the information the Chair was given about the existence of other setback intrusions in the same community was not her personal opinion, but was information given to her by staff.

Eva Krause stated the information that was referred to by the Chair was contained in an email which she was copied on and that it was not included in the staff report.

There was no public comment on this item.

**3:15 p.m.** The Board recessed.

**3:17 p.m.** The Board reconvened with all members present.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered to overturn the Board of Adjustment's denial based on the special circumstance of the placement of the house on the property and with the findings that no special privileges were being granted, the use was authorized, and there was no effect on a military installation.

**15-0942** AGENDA ITEM 16 Master Plan Amendment Case No. MPA15-001 and Regulatory Zone Amendment Case No. RZA15-001 – Hearing, discussion, and possible action to approve (1) an amendment to Sun Valley Area Plan Policy SUN.1.3 (a part of the Master Plan) to allow the Medium Density Urban (MDU) Regulatory Zone in the Sun Valley Suburban Character Management Area; (2) an amendment to the Sun Valley Master Plan Map, changing the Master Plan Category from Suburban Residential (SR) to Urban Residential (UR) on the subject parcel addressed as 5100 W. First Avenue, Sun Valley (APN: 085-820-31); and (3) an amendment to the Sun Valley Regulatory Zone Map, changing the Regulatory Zone from Public/Semi-Public Facilities (PSP) to Medium Density Urban (MDU) subject to the adoption of Master Plan Amendment Case No. MPA15-001. And if approved, authorize the Chair to sign the resolutions to adopt the amendments to the Sun Valley Area Plan after a determination of conformance with the Truckee Meadows

Regional Plan by the Truckee Meadows Regional Planning Commission. Community Services. (Commission District 3.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against Master Plan Amendment Case No. MPA15-001 and Regulatory Zone Amendment Case No RZA15-001.

Vicky Maltman stated she did not think any changes needed to be made. She mentioned the residents would like to have more information.

Commissioner Herman thought this item should have been discussed at the Sun Valley Community Advisory Board (CAB) Meeting.

Grace Sannazzaro, Planning and Development, stated there was not enough time to fit this item into the schedule for the Sun Valley CAB meeting. She mentioned there had been a neighborhood meeting and only six people attended. The concerns that were voiced included the number of units and that it would be low-income housing. She said the applicant stated there were no plans to make this low-income housing, but there were no regulations against making it a Housing and Urban Development (HUD) housing facility.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Item 16 be approved and authorized. The Resolutions for same are attached hereto and made a part of the minutes thereof.

15-0943

**AGENDA ITEM 17** Second reading and possible adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, at Section 110.306.10, Detached Accessory Structures, to clarify when a building permit is required for a cargo container; at Section 110.306.35, Outdoor Storage/Outdoor Display, for the definition of a commercial vehicle and for exceptions to commercial vehicle storage; within Article 310, Temporary Uses and Structures, at Section 110.310.35, Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles, to change the name of storage containers to cargo containers to match regulations within Article 306 and to refine regulations concerning temporary contractor or owner-builder portable containers; and, to update these sections within both Article 306 and Article 310 to reflect the current organization of the Community Services Department and the Health District's name. Recommendations include other matters properly relating thereto. (Bill No. 1749) Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Jan Galassini, Chief Deputy County Clerk, read the title for Ordinance No. 1567, Bill No. 1749.

Commissioner Hartung wanted the history about the permit process and stated he did not want it to be cost prohibitive especially on large parcels of property.

Bob Webb, Planning Manager, provided clarification regarding the modifications to the Washoe County Code. He explained the changes for future-placed permanent cargo containers would include; the minimum size would change from 120 square feet to 200 square feet; any cargo container larger than the minimum size would require a building permit; and a change to the definition of a concrete truck. He indicated the changes would also allow commercial vehicles, specifically construction-type vehicles, to be stored and used on a property in conjunction with a building permit. He noted the current Code did not allow commercial vehicles to be stored on any residential property. He stated another change would involve the usage of words such as trailer and portable storage containers, when referring to temporary cargo containers. He stated this change would define the terms and clarify some of the language in the Code.

Mr. Webb responded to concerns raised by Commissioner Hartung by providing the history behind the cargo containers and the permitting process. He stated prior to 1997, there were no cargo containers or storage containers allowed on any residential properties because it was not addressed in Code. He said in 1997 it was realized that there were building permits being issued for railroad cars and semi-trailers with the wheels removed to be placed on a permanent foundations on residential properties. In 2009, he stated if a resident wanted to have a permanent cargo container on a property, 15 standards needed to be met for approval. He indicated some of the standards did not apply to all areas, all sized properties or to zoning regulations, but if the container was over a certain size, a building permit was required. He noted the Code stated a temporary cargo container placement would be allowed for a maximum of 60-days without a building permit. A temporary cargo container could be placed in conjunction with a building permit if it was used while building or remodeling.

Commissioner Lucey thanked Mr. Webb for the clarification of the difference between a permanent and temporary cargo container. He stated the issue was brought forward because of complaints he received regarding the temporary Conex boxes that the contractors carried their supplies and equipment in while doing construction. He noted that staff had done a good job cleaning up this Ordinance.

Commissioner Hartung thought there needed to be additional clarification because the cargo containers were not a permanent structure; they were meant to be moved. He did not think that any of these types of containers were on permanent foundations because of that. He indicated if the Ordinance was adopted there would need to be direction to staff to revisit some of the issues.

Commissioner Lucey stated according to the prior code, the cargo containers had to be on permanent foundations. He indicated these changes were making it less incumbent for residents to use the cargo containers.

Commissioner Hartung stated he had no issue with making the Code less incumbent for the residents, but he was concerned about the permit process and the fees associated with the permit.

Mr. Webb stated most cargo containers were bigger than 200 square feet. He said for any cargo container, the cost was \$165 for the permit and the Health Department charged \$200 for the review of the permit. He noted this was for a container with no plumbing, electrical or mechanical items.

Paul Lipparelli, Legal Counsel, spoke in response to Commissioner Hartung's comment, and suggested he make a request for the issues to be revisited during the agenda item for Commissioner's Comments later in the meeting, otherwise the item would need to start the process over again to include the revisions.

Chair Berkgigler stated during the first reading there were issues and a lengthy discussion, during which Commissioner Hartung was not present.

On the call for public comment, the following individuals spoke regarding their opposition to the proposed amendment to the Washoe County Code at Chapter 110 (Development Code): Katherine Snedigar, Sharon Spencer, Robert Gunn, Zannifer Rolich, Charles Lieman, Thomas Prentice, Kathleen Davis, and Daniel William Phillips.

The above individuals' concerns included: the required fees for the building permits, it would be a financial hardship on most of the residents, the requirement to put the containers on foundations, and the area was considered agricultural property not urban property.

Michael Clark, Washoe County Assessor, stated he attended the CAB meeting in Palomino Valley regarding this issue. He stated the containers were never viewed as permanent property or real estate. He said they were considered personal property and were not assessed a value for tax purposes.

Commissioner Herman told a story about a resident in Palomino Valley who was constantly getting visits from the County for violations regarding the building materials on his property. She said he decided to purchase some storage containers to get the materials organized and out of site and he had not had another visit from the County since then. She thought Commissioner Lucey was doing a good thing for contractors by providing for temporary use, but she had an issue with the permit requirements for the people that had the containers on their property for 25 years.

Commissioner Hartung stated the current Code would require a building permit for any cargo container over 120 square feet and the proposed Code would change

that minimum to 200 square feet; however he did not think this would fix the problem. He agreed with the Chief Deputy Assessor that the containers should not be viewed as permanent structures.

Chair Berkbigler asked Mr. Webb about grandfathering in the units that were currently in use. She wondered how the residents would get a foundation under their containers that had been there for years. Mr. Webb replied there was no way to grandfather in something that was not governed by the Code, since the Code in 1997 did not mention containers, and between 1997 and 2009 they were required to be on a foundation. He said each container would have to comply with the Code that was in effect when it was placed on the property. He said that depending on the placement of the container, it might require tie-downs but not a foundation. Chair Berkbigler stated she had a problem with requiring a building permit for something that was not a building and was personal property. Mr. Webb stated the permit was not for the building of the structure, but to ensure it was placed on an appropriate area of the property. He indicated the building permit was considered a "site placement permit" and the Health Department needed to ensure the container was not placed over a septic system, over a well access or on an public or utility easement area. Chair Berkbigler questioned why the Health Department cared about people having a storage unit on the property. Kevin Dick, District Health Officer, stated the important issue was placement. He indicated the Health Department fees were not going to increase as the residents thought they were. Chair Berkbigler said if she understood the Assessor properly, they would not include the containers in the tax base, and she wondered why the Building and Health departments would be concerned with it.

Commissioner Hartung agreed with Chair Berkbigler. He thought the issue would not be easily fixed and he wanted staff to revisit the definition of a cargo container because he did not view it as a permanent structure.

Mr. Lipparelli stated the amendments could be approved, rejected, or sent back to the Planning Commission with the recommendation for modifications.

Dave Solaro, Public Works Director, stated that building permits were governed by Chapter 100 of the Code. He indicated the changes proposed pertained to Chapter 110.

Commissioner Lucey indicated the changes would affect temporary storage units, not permanent storage units. He said the discussions had been going on for some time and this was the second reading with the changes that were decided in the past. He noted that the proposed changes were intended to clarify the Code. He reiterated the changes were only for temporary cargo containers being used for construction purposes and nothing more.

Chair Berkbigler concurred with Commissioner Lucey regarding the placement of temporary cargo units, but thought the proposed changes included the placement of permanent cargo containers also.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Ordinance No.1567, Bill No. 1749, be adopted, approved and published in accordance with NRS 244.100, with the finding that the Ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business. Further move to affirm the four findings of fact of the Washoe County Planning Commission made on September 1, 2015 as recorded within Resolution 15-16 and as attached to the staff report for this item.

**15-0944**      **AGENDA ITEM 18** Second reading and possible adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) at Article 422, Water and Sewer Resource Requirements, and at Article 706 as follows: To reflect changes required from the transfer of the water utility functions of the Washoe County Community Services Department to the Truckee Meadows Water Authority (TMWA); To delete Sections 110.422.30, Contracts for Water Rights and Water Facilities, 110.422.10, Water Resources, and 110.706.10, Southeast Truckee Meadows Specific Plan Impact Fee, in their entirety; To add a new Section 110.422.03, Definitions; To amend Section 110.422.00, Purpose, for water and sanitary resource requirements for development; To clarify in Section 110.422.01, Exceptions, that the resource requirements do not apply to the Tahoe Planning Area, areas within the TMWA service area, and to Developments within a General Improvement District (GID) which is receiving water and sanitary sewer service from said GID; To clarify in Section 110.422.05, Applicability, where within the County the resource requirements apply; To amend Sections 110.422.15, Water Rights Satisfaction, for resource requirements and water rights dedication or relinquishment requirements outside of TMWA's service area; To remove administrative and service fee requirements from Section 110.422.20, Authority to Utilize Dedicated Water Rights and Collect Administrative Fees; To clarify in Section 110.422.25, Water Facilities, the procedures to offer for dedication and to operate water delivery facilities; and To update the Article with the current Community Services Department organization language and remove references to the Department of Water Resources, Utility Services Division. Recommendations include other matters properly relating thereto. (Bill No. 1750) Community Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

Jan Galassini, Chief Deputy County Clerk, read the title for Ordinance No. 1568, Bill No. 1750.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried, it was ordered that Ordinance No.1568, Bill No. 1750, be adopted, approved and published in accordance with NRS 244.100, with the finding that the Ordinance makes relevant and appropriate amendments to the code to reflect elimination of the Southeast Truckee Meadows Specific Plan Impact Fee and to Water and Sewer Resource Requirements to reflect the merger of Washoe County water utility operations into TMWA water utility operation and provide for creation of PUC regulated water utility operation when appropriate. The motion included the finding that the Ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business. Further move to affirm the four findings of fact of the Washoe County Planning Commission made on September 1, 2015 as recorded within Resolution 15-17 and as attached to the staff report for this item.

**15-0945**      **AGENDA ITEM 19** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

There was not a closed session.

**15-0946**      **AGENDA ITEM 21** Public Comment

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

**15-0947**      **AGENDA ITEM 22** Commissioners'/Managers announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item).

Commissioner Hartung asked staff to go back and revisit the issue regarding calling the storage containers cargo containers. He thought they should be called detached accessory structures. He also wanted to have staff revisit the issue regarding the size of a container and the size of a parcel.

Commissioner Herman agreed with Commissioner Hartung and wanted the issue to be revisited.

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**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

NOVEMBER 10, 2015

PRESENT:

Marsha Berkgigler, Chair  
Kitty Jung, Vice Chair  
Vaughn Hartung, Commissioner  
Jeanne Herman, Commissioner  
Bob Lucey, Commissioner\*

Nancy Parent, County Clerk  
John Slaughter, County Manager  
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:00 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

**15-0950      AGENDA ITEM 3 Public Comment.**

Gerrard Mager submitted a handout which was placed on file with the Clerk. He requested the Board pass a zoning ordinance permanently prohibiting marijuana businesses throughout the County. He spoke about his concerns of the public's health and safety. He mentioned a personal loss which he attributed to marijuana.

Tim Callicrate expressed his opposition to the proposed medical marijuana establishments (MMEs) slated to go into Incline Village and Crystal Bay. He noted he was an elected official serving on the Incline Village General Improvement District (IVGID) Board, but added he was not speaking on behalf of the IVGID Board. He said he was contacted by members of the community who were opposed to the MMEs. He spoke of his concerns that Incline Village could become the gateway drug capitol of Lake Tahoe. He stated medical marijuana was available through appropriate channels to those who needed it. He asked the Board to consider voting against allowing MMEs to go into Incline Village and Crystal Bay.

Alex Fuller stated he was with Office Depot/Office Max. He said his comments were in reference to Agenda Item 14. He spoke of his concerns regarding what constituted a local business.

Alexia Rogers said she was against the MMEs in Incline Village.

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Hilary Fylstra stated she was against the MMEs in Incline Village; however, said she was agreeable to the legalization of marijuana if it was handled in a socially acceptable manner. She read a statement which was placed on file with the Clerk.

William Gray said the proposed MME locations appeared to be positioned to sell marijuana to tourists because there were not enough people in Incline Village to support them. He thought Incline Village should be a drug free zone for the safety of the residents which were mostly retired. He noted several questions needed to be answered regarding the effects a marijuana influx could have on the community; such as, the effect it would have on traffic patterns, the requirement of additional coverage by the Sheriff's Office, and effects on real estate values.

Levi Hooper spoke about the plight of the homeless in the community.

Sam Dehne demanded the Reno City Council hire Jason Sotto as the permanent Chief of Police.

John Potash explained Nevada Assembly Bill 246, which became Nevada Revised Statute (NRS) 574.550, prohibited selling animals at swap meets. The passage of the Bill also prevented people from selling animals through structured expositions. He stated NRS 574.550 had a provision which allowed the sale, adoption or transfer of ownership of live animals at a swap meet if it were conducted in a County or incorporated City that adopted an ordinance authorizing them. He mentioned the expositions brought thousands of people into the community which increased revenues. He asked the Board to direct staff to adopt an ordinance authorizing the sale of live animals.

David Knudsen introduced himself as the President of the Great Basin Herpetological Society. He stated the ordinance banning swap meets resulted in a loss of income to the community. He noted he supported Mr. Potash's appeal to change the ordinance.

Cathy Brandhorst spoke about matters of concern to herself.

Ardena Perry expressed her concerns regarding Agenda Item 6C5. She felt the County should not be subsidizing people who could not afford to have pets, and should place its focus on field services and animal control.

Connie McMullen introduced herself as the Vice Chairman of the Washoe County Senior Citizens Advisory Board (WCSCAB). She said the WCSCAB supported Agenda Item 10 which they believed was positive.

Bill Maggiora questioned Animal Services' explanations for not allowing animal shows in the County. The explanations included the lack of interest and the excessive cost of two full-time positions to support animal shows under the new State

law. He urged the Board to direct Animal Services to evaluate, based on attendance at past shows, whether two positions were needed.

**15-0951      AGENDA ITEM 4 Announcements/Reports.**

John Slaughter, County Manager, stated there were several County facilities without power due to the weather. He urged people to be careful since there were several damaged trees throughout the community.

Commissioner Jung said she attended a meet-and-greet event for Traci Davis, Washoe County School District Superintendent, which was sponsored by NV Energy. She added she was very impressed by Ms. Davis. She mentioned she and Commissioner Herman attended the Veterans Appreciation Breakfast put on by the Sun Valley General Improvement District and Washoe County Senior Services.

Commissioner Herman mentioned the possibility of allowing some of the animal expositions and swap meets to resume. She said pet owners should be fiscally and physically able to take care of their own animals. She did not believe tax payers should pay for certain services. She expressed concerns that the Monte Cristo property owners were not able to enjoy their constitutional rights related to their properties. She noted she wanted to propose a new ordinance or revise the existing ordinance regarding complaints. She said verbal or undocumented complaints could cause grief for people. She believed complaints should be in writing, signed and notarized. She questioned the ordinance related to containers which she stated were considered real property. She did not understand whether the County wanted to inspect them or charge a permit fee for them.

Commissioner Hartung stated he attended a Nevada Senior Services event with Kevin Schiller, Assistant County Manager, in Las Vegas. The discussion was about a program being offered in Clark County which served 250 to 300 Alzheimer's patients a day without any assistance from Clark County. He noted Nevada Senior Services was willing to assist the County to implement the same type of program which would assist low-income and indigent seniors affected by Alzheimer's with their daycare. Nevada Senior Services also focused on assisting people with Dementia or Alzheimer's to secure their homes. He noted he attended the Shelter from the Storm Breakfast with Chair Berkbigler. He praised Pat Cashell for his work with the Shelter from the Storm and he stated he was looking forward to seeing how the County could work programmatically with them. He said he also attended the Boys and Girls Club dinner honoring Bob Cashell. He remarked he was waiting to hear back from Dave Solaro, Community Services Director, related to a four-way stop sign on the corner of Omni Drive and Sunset Springs Lane, which he believed was a safety issue.

Chair Berkbigler said she had a great time at the Shelter from the Storm Breakfast. She noted she attended the Reno Brazil Trade Mission exposition which brought in various educators and businesses looking to trade with Nevada.

**15-0952**      **AGENDA ITEM 5** Proclamation – Always Lost: A Meditation on War.

Commissioner Hartung stated it was unfortunate that Veteran’s Day was celebrated once a year. He expressed his gratitude for all the veterans had given. He read and presented the Proclamation to Robin Mason and Steve Sitton.

Robin Mason thanked the Board and County staff. He said it was a privilege to serve each and every one of them. He mentioned he was transferring to San Antonio where he would continue to further the initiative against Veteran homelessness.

Steve Sitton said he was representing the Nevada Department of Veteran Services. He noted the Proclamation was a great way to remember the fallen.

There was no public comment on the Proclamation listed above.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 5 be adopted.

**CONSENT ITEMS 6A THROUGH 6F**

**15-0953**      **6A** Approve minutes for the Board of County Commissioners’ regular meeting of October 13, 2015.

**15-0954**      **6B** Approve the creation of an intermittent hourly Bailiff position for the Sparks Justice Court at a [maximum annual cost of \$10,068] for FY 2015-16. Sparks Justice Court. (Commission Districts 3, 4 & 5.)

**15-0955**      **6C1** Approve the appointment of Trudy Brussard to the Animal Control Board, representing County Commission District 1, a four year term commencing on November 10, 2015 and ending on November 10, 2019. (Commission District 1.)

**15-0956**      **6C2** Approve the reappointment of Kathryn Hass to the Animal Control Board, representing County Commission District 2, a four year term commencing on November 10, 2015 and ending on November 10, 2019. (District 2.)

**15-0957**      **6C3** Approve the reappointment of Paul Davis to the Animal Control Board, representing County Commission District 4, a four year term commencing on November 10, 2015 and ending on November 10, 2019. (Commission District 4.)

**15-0958**      **6C4** Approve the appointment of Timothy Stoffel to the Animal Control Board, representing County Commission District 5, a four year term

commencing on November 10, 2015 and ending on November 10, 2019.  
(Commission District 5.)

- 15-0959** **6D1** Approve the removal of uncollectible accounts receivable [totaling \$93,450.54]. (All Commission Districts.)
- 15-0960** **6D2** Award Invitation to Bid # 2942-16 for Printing Paper/Card Stock/Envelopes to the lowest responsive and responsible bidder, JC Paper, 565 E Glendale Sparks NV 89431 on behalf of Reprographics Office of the County Manager, Communications & Engagement Division, and the Washoe County School District; and authorize the Purchasing and Contracts Manager to issue purchase orders to the specified firm, on a requirements basis, for one (1) year, commencing November 11, 2015 through November 10, 2016, with an option for two (2) additional one (1) year renewal periods, provided pricing does not increase beyond that allowed in the bid, for the [approximate annual amount for Washoe County of \$120,000] and for the approximate annual amount for Washoe County School District of \$57,000. (All Commission Districts.)
- 15-0961** **6E1** Approve Agreement for Consulting Engineering Services between Washoe County and CH2M Hill Engineers, Inc. to provide start up and operation manual services for the South Truckee Meadows Water Reclamation Facility Bio-Solids Facility Project [\$115,000]. (Commission District 2.)
- 15-0962** **6E2** Approve a CG-213 Recertification form for the Community Rating System Annual Recertification Submittal to the National Flood Insurance Program for a continued reduction in required flood insurance policy premiums for unincorporated Washoe County residents located within designated special flood hazard areas. (All Commission Districts.)
- 15-0963** **6E3** Approve a License Agreement between Washoe County and Truckee Meadows Water Authority for the Thomas Creek Stream Gage Project; and authorize the Community Services Department Director to sign the Agreement and future amendments on behalf of Washoe County. (Commission District 2.)
- 15-0964** **6F1** Approve acceptance of second year funding of a grant award [\$50,000, no match required] from the Las Vegas Metropolitan Police Department and amendment to the Interlocal Contract between Las Vegas Metropolitan Police Department and Washoe County Board of County Commissioners On Behalf Of The Sheriff's Office for reimbursement of expenses associated with Internet Crimes Against Children investigations, for the retroactive grant period of October 1, 2014 through June 30, 2016, and if approved, direct Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)

**15-0965**      **6F2** Approve acceptance of 2016 State of Nevada, Department of Public Safety, Office of Traffic Safety project funding [\$19,320, 20% in-kind match required, \$3,864.00] to be used to purchase 10 Tablet Computers for the WCSO Motor Unit, for the retroactive grant period of October 6, 2015 through September 30, 2016, and direct Comptroller's Office to make the necessary budget adjustments. (All Commission Districts.)

Chair Berkbigler said Commissioner Herman requested Item 6C5 be pulled from the Consent Agenda and voted on separately.

On the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

Timothy Stoffel thanked the Board for his appointment to the Animal Control Board. He stated there was nothing wrong with microchipping; however, he questioned the expenditure of tax payer money on the program.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Consent Agenda Items 6A through 6F2 be approved with the exception of Agenda Item 6C5. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6F2 with the exception of Agenda Item 6C5 are attached hereto and made a part of the minutes thereof.

**15-0966**      **6C5** Approve indefinitely the free microchip program for the pets of Washoe County residents. Expenditures for the continued program will be covered under Animal Services budget authority. Continuation of this program will assist in the safe return of animals to their owners and to allow Animal Services to redirect funds to newly created community and educational outreach programs. (All Commission Districts.)

Shyanne Schull, Animal Services Director, said Animal Services' primary responsibility was to return pets to their owners. She stated all of the animals that came into their care were a burden to tax payers. She noted the microchip program was a pilot project launched in 2013. The numbers in the staff report represented the success of the program and how Animal Services had increased the number of animals that had been returned without having to be impounded at the shelter. She said the program was successful and over the three-year-period it allowed Animal Services to save \$1.4 million in care for the animals. She noted there were costs associated with the program, but she believed the money was well spent to enable Animal Services to provide a productive and proactive program for the community.

Commissioner Herman asked for a cost estimate to return animals back to their homes.

Bobby Smith, Animal Services Manager, stated the process for a field officer to retrieve and transport a stray animal to the animal shelter averaged \$152.28 per animal. By having an animal microchipped at a cost of \$4.00 to \$5.00, Animal Services had the potential to save tax payers the initial impound fee of \$91.26 per animal, which in turn saved the County thousands of dollars. He added an animal without identification stayed at the shelter an average of three to five days, which resulted in an additional \$91.26 per day.

Commissioner Hartung asked Mr. Smith to explain the process when a field officer retrieved a microchipped animal. He also asked if there were fines involved and for the average amount of time spent by a field officer.

Mr. Smith explained once dispatch received an animal at-large call, they entered the information into their system and sent a field officer. The field officer would find the animal, scan it, note the microchip number and type it into the data system. If the animal was registered with Animal Services, the owner's information would be available. This allowed the field officer to contact the owner or go to the home if it was in close proximity. He said it took an average of five to ten minutes to meet up with the owner or to wait for them. He stated the program was more than about saving money through microchipping and being able to return the animal in a timely manner; it was also about education and working with the community to ensure their animals were cared for. In response to the question about fines, he said it depended on the number of times the animal had been picked up. Warnings were given, however, upon the third incident a civil penalty was charged. Upon the fourth incident a criminal citation was issued. He also mentioned there were impound fees for the animal's care and for the intake process. He noted there was a formula used for the entire process.

Commissioner Hartung said he liked the program but saw some issues with it. He believed it was an effective way to keep animals out of the shelter which was the goal.

Commissioner Jung stated the program would decrease human and animal suffering. She added in 2002 voters overwhelmingly supported an initiative to create funding for homeless animals.

Chair Berkgigler spoke about a personal event resulting in a pet being microchipped.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent and Commissioner Herman voting "no", it was ordered that Agenda Item 6C5 be approved.

**BLOCK VOTE – AGENDA ITEMS 10, 11, 12, 13, 14 AND 15**

- 15-0967**      **AGENDA ITEM 10** Request by the County Manager’s Office through the County Clerk, pursuant to Washoe County Code 2.030, to initiate proceedings to amend Washoe County Code Chapter 45 related to integrating Social Services and Senior Services Departments to create the Washoe County Human Services Agency, and direct the Clerk to submit the request to the District Attorney for preparation of a proposed ordinance pursuant to Washoe County Code 2.040. Manager. (All Commission Districts.)

On the call for public comment Cathy Brandhorst spoke about matters of concern to herself.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 10 be initiated and directed.

- 15-0968**      **AGENDA ITEM 11** Recommendation to approve a direct grant award from the National Institute of Justice (NIJ) FFY2015 DNA Backlog Reduction Program, Project No 2014-DN-BX-0029 for [\$350,000, no County match required] for the DNA Backlog Reduction Program for the grant period of January 1, 2016 – December 31, 2017; and if approved authorize Comptroller’s Office to make necessary budget adjustments. Sheriff. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 11 be approved and authorized.

- 15-0969**      **AGENDA ITEM 12** Recommendation to reject all bids for the SFWRF Utility Operations Maintenance Building Project. Community Services. (Commission District 2.)

Commissioner Hartung requested a comparison between Agenda Item 6E1 versus Agenda Item 12 in order for the public to understand what was happening.

Dwayne Smith, Community Service Department (CSD) Division Director of Engineering and Capital Projects, explained Agenda Item 6E1 was regarding the Bio-Solids Facility Project at the South Truckee Meadows Water Reclamation Facility. This was an engineering request to begin the Bio-Solids Facility Project. He noted the project was approved by the Board approximately a year ago for the benefit of the sewer rate payers. He said Agenda Item 12 was regarding the bid for a utility building to house additional equipment due to the merger with the Truckee Meadows Water Authority. He stated because of the extremely high bids on the project, the CSD recommended rejecting

the bids. He added CSD was looking at other options which would be better for the sewer rate payers.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered to reject all bids from the STMWRF Utility Operations Building project.

**15-0970**      **AGENDA ITEM 13** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 9th St. Fire Alarm & Employee Notification System Project [staff recommends PowerComm Solutions, Inc., in the amount of \$244,599]. Community Services. (Commission District 3.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 13 be awarded and approved.

**15-0971**      **AGENDA ITEM 14** Recommendation to acknowledge status report on agreement with It's My Community Store for Office Supplies and Office Consumables and provide direction to staff regarding initiation of the first of two optional one year renewals of the agreement from November 17, 2015 to November 16, 2016 [\$475,000 estimate]. Comptroller. (All Commission Districts.)

Commissioner Jung said she would like the contract to be continued for another year. She stated the Board should give strong direction that It's My Community Store was the preferred vendor of office supplies and consumables across the County.

On the call for public comment, the following individuals employed by Office Depot/Office Max spoke against the Board's selection of It's My Community Store (IMCS) as the County's primary vendor for office supplies and consumables: Karen Anne Tomasello, Alex Fuller, and Donna McGuire.

The above individuals stated Office Depot/Office Max benefited the County in the following ways: The company generated sales tax in the amount of \$1.5 million in 2014, it employed 70 employees within the County, it donated \$150,000 to the community in 2014, it supported various local charity organizations, and it provided cost saving measures to the County when the County did not fully qualify for them. Their concerns included that the County did not view Office Depot/Office Max as a local business even though it employed locals and was physically present within the County, and the County was not purchasing from the lowest bidder of office supplies and consumables.

Chair Berkgigler said the contract with IMCS was not an exclusive contract. She clarified Agenda Item 14's purpose was to expand the existing contract for a year and there was nothing in the contract that would prohibit departments from

purchasing the lowest priced items. She noted the Board encouraged staff to purchase from IMCS because IMCS gave back to the community. She added Office Depot/Office Max charged much higher prices, which was revealed by various studies.

Commissioner Jung reiterated her comment that it was the Board's strong direction that IMCS was the County's preferred vendor of office supplies and consumables. She concluded by stating the difference between local and non-local businesses was that a local business' headquarters was located within the County.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 14 be acknowledged and directed.

**15-0972**      **AGENDA ITEM 15** Recommendation to appoint three individuals as regular members to serve on the Washoe County Board of Equalization with terms to expire June 30, 2019; and appointment of an individual as an alternate member with term to expire June 30, 2016. Manager. (All Commission Districts.)

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Lucey absent, it was ordered to reappoint Philip Horan and appoint Eugenia Larmore and Barbara "Bobbi" Lazzarone as regular members to serve on the Washoe County Board of Equalization with two (2) terms to expire June 30, 2019 and one (1) to expire June 30, 2018; and appoint James Covert as an alternate member with a term to expire June 30, 2016.

**15-0973**      **AGENDA ITEM 7** Appearance: Barb Graff, Chair of the Emergency Management Accreditation Program (EMAP), Commission, EMAP; Aaron Kenneston, Washoe County Emergency Manager; Presentation regarding the EMAP Program and acceptance of a plaque in recognition of EMAP Accreditation.

Aaron Kenneston, County Emergency Manager; Barb Graff, City of Seattle Emergency Manager and Chair of the EMAP; and Liz Paulson, County Emergency Management Program Assistant, introduced themselves to the Board.

Mr. Kenneston and Ms. Graff conducted a PowerPoint presentation which was placed on file with the Clerk. Mr. Kenneston read the information on the slides. Ms. Graff added by being accredited by EMAP, the County joined 72 programs nationally and two programs internationally. She noted without meeting each criteria, accreditation would not be attainable. She stated the County received a unanimous recommendation for accreditation. The plaque was presented to the Board.

Mr. Kenneston expressed his appreciation to Ms. Paulson, who served as the accreditation manager, and Cathy Ludwig, Emergency Management Grants Coordinator.

Commissioner Hartung applauded Mr. Kenneston's efforts. He stated it was imperative the County was prepared.

John Slaughter, County Manager, said when he and Mr. Kenneston first discussed what kind of program the County wanted, they spoke about an Emergency Management program that would be recognized regionally. He thought the County realized that vision by being recognized nationally. He thanked Mr. Kenneston.

Chair Berkbigler thanked Mr. Kenneston for his work.

No action was taken on this item.

**15-0974**      **AGENDA ITEM 8** Recommendation to acknowledge overview of the current Employee Health Benefits Program and presentation of options for consideration for a sustainable future of the Health Benefits Fund. Human Resources. (All Commission Districts.)

John Listinsky, Human Resources and Labor Relations Director, stated Agenda Item 8 was an overview of the County's health benefits structure, cross trends, and factors impacting the long-term sustainability of the County's health benefits plans. The presentation was a collaboration between the Manager's Office, Human Resources and the Budget Office. He introduced the County's health benefits broker, Evelyn Hullin.

Evelyn Hullin, Wells Fargo Insurance Employee Benefits Consultant, gave a PowerPoint presentation. She read the information on the slides. She highlighted health insurance as the County's fourth largest expenditure.

Commissioner Jung asked whether employees who reached Medicare eligibility were automatically enrolled in Medicare as their primary insurance. Ms. Hullin said Medicare gave employees the option to elect their primary and secondary insurance providers. She added if newer retirees did not elect and enroll in Medicare, the plan would pay as if they had Medicare.

Commissioner Jung said it would help her to make decisions if Ms. Hullin could break down the information regarding active versus retired employees, how much insurance costs increased, and the number of full-time employees to see if there were any trends. Ms. Hullin responded affirmatively.

Commissioner Hartung asked for clarification related to the slide titled Employee Benefits Cost Trend. Ms. Hullins stated the graph showing \$90 million was for all employee benefits including retirement. The graph showing \$20 million plus was the amount the County contributed.

Commissioner Jung asked Ms. Hullin who else she represented. Ms. Hullin said some of her larger clients included Churchill County School District, the City of Fallon, and the Reno-Sparks Indian Colony.

Chair Berkbigler asked if the numbers on the slide titled Health Plan Prevalence Statistics reflected recent changes to the City of Reno, City of Sparks and County contracts. Ms. Hullin stated it did not because the new contracts would not go into effect until January 2016.

There was no public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried with Commissioner Lucey absent, it was ordered that Agenda Item 8 be acknowledged.

**15-0975**      **AGENDA ITEM 9** Department presentation by John Listinsky, Washoe County Director of Human Resources/Labor Relations highlighting Human Resources services and programs. Human Resources. (All Commission Districts.)

John Listinsky, Human Resources and Labor Relations Director, gave a PowerPoint presentation. He stated the focus of the presentation was on what the County was doing proactively as it recovered from the recession and started to grow. He read the information on the slides.

Mr. Listinsky highlighted the following areas: 1) Succession management was being addressed with each department. Its purpose was to identify the next generation of department and division leadership to determine whether the County could hire from within or would have to recruit from the outside. 2) Workforce Analysis was completed in order for each department to develop a customized understanding of what their turnover would be so they could begin a recruiting program. 3) The County was an employer of choice as seen by the total number of applications being handled. 4) Training was being refreshed and more funding was being allocated to it. A new leadership training program was being looked into for individuals identified through succession management. 5) Human Resources had representatives imbedded in each department to assist in handling transactional work. 6) The current system, relating to classification and compensation, had been in place since the County contracted the Hay Group in 1999. The system should be refreshed every seven to eight years. Human Resources worked on identifying the difficulties it may face when recruiting specialty type of positions. This process could take 18 to 24 months. 7) Human Resources handled 2600 plus current active employees in addition to a rising number of active retirees. 8) Human Resources' goal was to regain a proactive status. The department worked to find the right people and recruit for the future.

Commissioner Jung suggested Mr. Listinsky look at the County's needs in regards to the workforce analysis and evaluate which jobs were going to be difficult to

fill. She noted those jobs should rise to the top in terms of the Hay's analysis in order for the County to be regionally competitive. Mr. Listinsky acknowledged the suggestion.

Commissioner Jung asked Mr. Listinsky if the County would be able to attract and retain talent needed as there were so many other opportunities opening up in Northern Nevada, how many jobs were posted nationally, and whether the County should widen its search criteria. Mr. Listinsky said his department was looking at more focused community recruiting to ensure the County represented its population. He added a broader search for recruitment was being looked at. In terms of national job postings, he said not many were placed. Commissioner Jung closed by stating young people did not expect to retire with a specific employer. She said it was important the County create an attractive workplace as it moved forward. Mr. Listinsky noted alternate methods of compensation were being looked at.

Commissioner Hartung mentioned the possibility of subcontracting work to cover the required labor rather than increasing the amount of wait time for people. He said he wanted to ensure there was a contingency plan in place should the County be unable to fill certain positions with qualified individuals. Mr. Listinsky stated his department would consider all possibilities. He remarked whether a position should be subcontracted or not would depend on the uniqueness of the position.

Mr. Listinsky said his department was relatively small compared to the numerous projects it had and he was blessed to have a fantastic staff.

Chair Berkbigler thanked the Human Resources staff for their work.

No action was taken on this item.

**15-0976** **AGENDA ITEM 16** Introduction and first reading of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of "County" and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the ordinance on December 8, 2015. Animal Services. (All Commission Districts.)

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Jan Galassini, Chief Deputy Clerk, read the title for Bill No. 1752.

On the call for public comment, the following individuals spoke in opposition to the ordinance: Ardena Perry, Timothy Stoffel, Michael Schneider, Bill Maggiora, John Potash, Daniel Gray, and Barry O'Dea.

The above individuals' concerns included: The ordinance was anti-pet store, the potential of negative impacts to businesses involving animals, the potential for Animal Services to be able to close down a business, the language in the ordinance was too general leaving a lot of latitude for interpretation, issues related to businesses should include public input, the rules in the application were not specified, the unnecessary hold time for puppies, and for veterinarians to be held to the same rules as kennels if they were allowed to board animals.

Paul Lipparelli, Legal Counsel, in response to a public comment stated Commissioner Lucey made disclosures in the past regarding matters involving commercial animal operations.

Commissioner Hartung said he was uncomfortable with the vagueness of the language relating to the revocation of a permit. He asked if the County Code was more or less restrictive than the one utilized in Southern Nevada.

Bobby Smith, Animal Services Manager, stated he was unsure if Southern Nevada utilized something similar. He explained the County Code was a byproduct of Nevada Revised Statute 574.

Commissioner Hartung stated he was uncomfortable with the language regarding the County's ability to revoke a permit when the parameters of revocation were not clearly laid out, and with the exemption of some veterinarians versus accredited boarding facilities from the welfare permit process.

Mr. Smith explained the revocation was not a blanket statement. Everything Animal Services did fell under County Code Chapter 55.800 which was the penalties within Chapter 55. The owner of the business, upon violation of the Code, would receive a warning. Further violations could result in civil penalties and criminal citations. He noted Animal Services' purpose was to educate the public and then utilize the Code to enforce the law. He added when an animal welfare permit was permanently revoked, the business did not close. The revocation prompted a notification to the proper jurisdiction's business licensing department. When Animal Services revoked or suspended the permit, the owner of the property had the ability to plead their case in front of an administrative hearing officer.

Commissioner Hartung felt the boarding facility wording was too broad of a statement, as it did not identify the specific type of animals that could be boarded, and the wording should be articulated. Mr. Smith spoke about animal appropriate enclosures. Certain animals did not belong on certain surfaces. He agreed to better articulate the wording at the request of Commissioner Hartung.

Commissioner Herman believed the County was in the process of eliminating one of the last pet stores in the area. She mentioned the hold time for someone to pick up their pet from a pet store was too long. Mr. Smith stated the reason for the 120 hour rule was to ensure the pet was healthy before someone took it home. The hold time provided the pet store owner the time to have a veterinarian examine the animal. He added there were times when an animal did not show signs of disease during the veterinarian's examination; however, the animal could show symptoms a few days later. At that point, once the animal had been brought into a home, it may infect other animals. He reiterated Animal Services' interest in the welfare of the animals. The 120 hours was being requested by Animal Services to ensure an animal was healthy before it left the pet store.

Paul Lipparelli, Legal Counsel, said the staff report in the Board's packets included the business impact report. He noted the State Legislature was very sensitive to local governments enacting rules and codes that affected the formation or the continuance of businesses. Therefore, it was a requirement for Animal Services to evaluate the potential impacts of the proposed ordinance on existing and future businesses.

Commissioner Hartung expressed his concern with the possibility of the Board introducing an ordinance which could place an undue hardship on a business.

**12:56 p.m.** Commissioner Jung left.

Mr. Smith stated it was not the intent of Animal Services to put someone out of business. Animal Services worked with businesses to help them come into compliance. Animal Services' concern was for the welfare of the animals within the community.

Commissioner Hartung mentioned the need for additional clarification of the ordinance. He noted the difficulty of writing encompassing codes which may have unintended consequences. He said the timing of the first reading was inconvenient for individuals to who wanted to appear. He stated he would like changes to the ordinance prior to the second reading.

Commissioner Herman stated the importance of language clarity to prevent any problems and misunderstandings.

Mr. Smith asked if the discussion was in regards to clarifying the caging requirements. He noted Animal Services could clarify the language to be industry specific for the caging of specific animals. Commissioner Hartung responded yes.

Chair Berkbigler indicated there was another group of people, not present, who inundated the County's email with requests to make the Code more strenuous than it was. Upon discussion with Mr. Lipparelli regarding the timing of the second reading, Chair Berkbigler asked if the Board could assign Commissioner Hartung, in the interim,

to work with Animal Services on the language to ensure the County was protecting animals, while also not placing anyone out of business.

Mr. Lipparelli said any Commissioner could take it upon him or herself to participate in the process. He noted an official designation of a Commissioner to serve as a subcommittee of one had to be on the agenda. In response, Chair Berkbigler asked if the Board could address the ordinance at the next Board meeting should Commissioner Hartung decide to work with Animal Services to tweak the language. Mr. Lipparelli stated State Law regarding procedures for the enactment of ordinances required the first reading of an ordinance to show what would be acted upon. Within 10 to 35 days the Board must consider adoption of the ordinance. He added there could not be substantial changes to the ordinance between the first and second readings because it would destroy the notice process accomplished by the first reading. He concluded by stating minor tweaks to clarify the language were probably acceptable; however, until the final language was reviewed, it could not be determined whether the process would have to be restarted.

Commissioner Hartung spoke about the meaning of compromise. He said he did not want the County to put anyone out of business.

Chair Berkbigler requested the County Manager to schedule a hearing at a specific time during the next Board meeting to allow people with concerns the opportunity to speak.

Bill No. 1752 was introduced by Commissioner Jung, and legal notice for final action of adoption was directed.

**15-0977** AGENDA ITEM 17 Public Hearing: Second reading and adoption of an Ordinance amending Washoe County Code Chapter 55 by repealing provisions containing metes and bounds descriptions of animal congested areas; by amending provisions related to reporting violations of animal statutes, restraining animals, licensing dogs, rabies vaccinations, "at large" domestic animals, impounded animals and quarantine; and by repealing, adding and revising various definitions. (Bill No. 1751) Animal Services. (All Commission Districts.) To be heard before Agenda Item 18.

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Jan Galassini, Chief Deputy Clerk, read the title for Ordinance No. 1569, Bill No. 1751.

On the call for public comment, the following individuals expressed their concerns regarding anonymous complaints: John Potash, Daniel Gray, and Ardena Perry.

The above individuals' concerns included the inability to make section two of Chapter 55.070 enforceable, the inability to hold people filing anonymous complaints liable for their actions, and the costs associated with fighting complaints. It was mentioned that it was a common practice for those in the animal rights industry to falsely accuse individuals engaged in the business of pet stores and exotic animals. A suggestion was made to have complaints notarized. A comment was made to imply Animal Services used to be more professionally managed.

Commissioner Hartung took exception to the comment about Animal Services needing to be more professionally managed. He thought the department was managed very well. He said he did not disagree that anonymous complaints could cause great distress. He asked Mr. Lipparelli what could be done to add language addressing anonymity issues.

Mr. Lipparelli said the existing Code contemplated that reports of violations of County Code Chapter 55 may be oral or written, which was preserved in the proposed ordinance. The new Code required a person requesting civil or criminal action to submit their request in writing. He suggested the Board discuss protocols with the Animal Services staff at a future date. He noted it could be a policy discussion on how to resource problems associated with complaints, which would not necessarily be written into the Code.

Chair Berkbigler spoke about the importance of not dismissing anonymous complaints. She mentioned the Child and Senior Welfare departments took anonymous complaints related to abuse. She stated animals were just as important to a lot of people as their family members. She said it was the duty of the Board and staff to ensure staff did not overstep their authority, but at the same time continue to protect animals.

Commissioner Herman asked Mr. Smith about the metes and bounds issue. Mr. Smith indicated that was on the next agenda item. Mr. Lipparelli addressed Commissioner Herman's question by mentioning the problem with the metes and bounds description in the Code was that it was very cumbersome. He added the information had to be spot-checked for accuracy and it had to be part of what was published, which would cost additional funds. The idea was to have the Board adopt the congested area definitions through the resolution process so that exhibits could be used. Exhibits did not reproduce very effectively in a letter-sized format. He noted by going to a Resolution, the County could have a larger display where the description of the areas in which the Code applied could be easier to understand.

On motion by Commissioner Hartung, seconded by Chair Berkbigler, which motion duly carried with Commissioners Lucey and Jung absent, Chair Berkbigler ordered that Ordinance No.1569, Bill No. 1751, be adopted, approved and published in accordance with NRS 244.100.

**15-0978**      **AGENDA ITEM 18** Recommendation to approve a resolution specifying the complete metes and bounds description of the animal congested areas in Washoe County to include a corresponding map and other matters properly related thereto. Animal Services. (All Commission Districts.) To be heard after Agenda Item #19.

Bobby Smith, Animal Services Manager, presented a map showing the congested animal area within the County. He stated Animal Services was not changing the map; however, they wanted to remove it from Code and place it into a Resolution. He noted Animal Services worked closely with the Community Services Department to ensure the information was correct, complete and accurate.

Commissioner Herman asked if Animal Services had smaller versions of the map available. Mr. Smith stated there was an electronic version, which if anyone was interested in having it, he would email it to them.

Nancy Parent, County Clerk, asked if the map being presented was the same one as on the County's website. Mr. Smith stated it was the same map.

Commissioner Hartung thanked Mr. Smith and Shyanne Schull, Animal Services Director, for their hard work. He said he found no truth in the disparaging comments made at the Board meeting.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Jung absent, it was ordered that Agenda Item 18 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

**15-0979**      **AGENDA ITEM 22** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

**1:23 p.m.**      On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried with Commissioners Lucey and Jung absent, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

**3:00 p.m.**      The Board reconvened with all members present.

**3:00 p.m.\***      Commissioner Lucey joined the meeting.

**15-0980**      **AGENDA ITEM 19** Master Plan Amendment Case Number MPA15-002 (Forest Area Plan) –Hearing and possible action to approve an amendment to the Forest Area Plan, being a part of the Washoe County Master Plan, changing the master plan designation on 13 parcels from open space (OS) to rural (R). To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the Forest Area Plan are proposed. These administrative changes include a revised map series with updated parcel base and updated applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments. The subject property is located along Sky Tavern Road and Old Mt. Rose Highway near the Sky Tavern Ski Area, and is within a portion of Section 17, T17N, R19E, MDM, Washoe County, NV. (APNs: 048-091-01 & 02 and 048-151-05, 06, 07, 08, 09, 10, 11, 12, 13, 14 & 15). And if approved, authorize the Chair to sign a Resolution to adopt the amendments to the Forest Area Plan after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission. (Commission District 1 and 2). To be heard before Agenda Item #20.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 19 be approved and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

**15-0981**      **AGENDA ITEM 20** Regulatory Zone Amendment Case Number RZA15-003 (Forest/Sky Tavern)--- Public hearing and possible action: (1) To adopt, adopt with modifications, or deny an amendment to the Forest Regulatory Zone Map changing the regulatory zone on thirteen parcels from Open Space (OS) to General Rural (GR) (APNs: 048-091-01 & 02 and 048-151-05, 06, 07, 08, 09, 10, 11, 12, 13, 14 & 15), located along Sky Tavern Road and Old Mt. Rose Highway near the Sky Tavern Ski Area within a portion of Section 17, T17N, R19E, MDM, Washoe County, NV; (2) To affirm, modify, or reject the findings of fact of the Washoe County Planning Commission; (3) If adopted, to direct the Director of the Planning and Development Division to sign and certify the amended Forest Regulatory Zone Map; and (4) If adopted, to authorize the Chair to sign a Resolution adopting the amendment to the Forest Regulatory Zone Map after adoption of an associated Master Plan Amendment (Case Number MPA15-002). Community Services. (Commission Districts 1 and 2.) To be heard after Agenda Item #19.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 20 be adopted, affirmed, directed and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

**15-0982**      **AGENDA ITEM 21**    Regulatory Zone Amendment Case Number RZA15-004 --- Public Hearing and possible action: (1) To adopt, adopt with modifications, or deny an amendment to the Southwest Truckee Meadows Regulatory Zone Map, changing the regulatory zone of 0.317 acres of the subject 1.083 acre parcel from Public Semi Public Facilities (PSP) to Medium Density Suburban (MDS);(2) To affirm, modify, or reject the findings of fact of the Washoe County Planning Commission; (3) If adopted, to direct the Director of the Planning and Development Division to sign and certify the amended Southwest Truckee Meadows Regulatory Zone Map; and (4) If adopted, to authorize the Chair to sign a Resolution adopting the amendment to the Southwest Truckee Meadows Regulatory Zone Map. • Applicant: Washoe County • Property Owner: Karen Thomas • Location: 5300 Canyon Drive Reno, NV 89519 • Assessor's Parcel No: 009-105-03 • Parcel Size: 1.083 acres • Current Regulatory Zone: Public Semi-Public Facilities (PSP) • Proposed Regulatory Zone: Medium Density Suburban (MDS) • Area Plan: Southwest Truckee Meadows • Citizen Advisory Board: West Truckee Meadows • Development Code: Article 821, Amendment of Regulatory Zone • Section/ Township/Range: Sec. 20, T19N, R19E, MDM. Community Services. (Commission District 1.)

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, it was ordered that Agenda Item 21 be adopted, affirmed, directed and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

**15-0983**      **AGENDA ITEM 24** Public Comment.

There was no public comment.

**15-0984**      **AGENDA ITEM 25** Announcements/Reports.

There were no additional announcements or reports.

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**COMMUNICATIONS AND REPORTS**

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

**COMMUNICATIONS:**

**15-0985**      Professional Services Agreement between the County of Washoe and Grant Thornton, LLP for Forensic Accounting Services from the Board of

County Commissioners Meeting of October 14, 2008, Agenda Item 19,  
Minute Item No. 08-1106.

**MONTHLY STATEMENTS**

**15-0986** Monthly Statement of Washoe County Treasurer for month ending August 31, 2015.

**QUARTERLY FINANCIAL STATEMENTS**

**15-0987** Clerk of the Court Quarterly Financial Statement, Quarter Ending September 15, 2015.

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**3:06 p.m.** There being no further business to discuss, on motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried, the meeting was adjourned.

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**MARSHA BERKBIGLER, Chair**  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
**NANCY PARENT, County Clerk and**  
Clerk of the Board of County Commissioners

*Minutes Prepared by:*  
*Michael Siva, Deputy County Clerk*

Pending Board Approval